

REMARKS

Claims 4, 5, 10-13, 15-23 are pending the application; Claims 4, 5, 10-13, 15-23 stand rejected. Claims 4, 10, 11, 15, 19 and 21-23 were previously amended in the RCE response just filed. These amendments add no new matter to the application.

Claim 10 stands rejected under 35 USC 112 as allegedly indefinite; Applicant traverses the Examiner's position that "plant materials" in claim 10 lacks antecedent basis; this expression is not preceded by a definite article, so as thus to trigger an antecedent concern, but rather is preceded by the well-known substitute "one or more" for the indefinite article "a". However in the interest of arriving at an early indication of allowable subject matter, claim 10 has been amended to change the reference from "plant materials" to --substance--. These claims are therefore believed to be in condition for allowance and reconsideration is requested.

Claims 22 and 23 stand rejected under 35 USC 112 as allegedly indefinite; Applicant respectfully traverses these rejections. Claims 22-23 are directed to the use of a source of green tea, green tea leaves or green tea leaf extract in the preparation of various pharmaceutical compositions or dietary supplements; the process step of using the green tea in the preparation of the products is implicit, and Applicant does not believe that it requires being made explicit; however in the interest of arriving at an early indication of allowable subject matter, Claims 22 and 23 are amended as method claims and now explicitly state a process step, and they are now believed to be in condition for allowance, and reconsideration is requested.

Claims 4-5, 10-12 and 19-23 stand rejected un 35 USC 112 as allegedly not enabled for prevention or preventing; Applicant respectfully traverses these rejections. Contrary to the Examiner's assertion that the specification does not teach the skilled artisan how to prevent amyloid fibril formation, Applicant respectfully submits that prevention is just what the

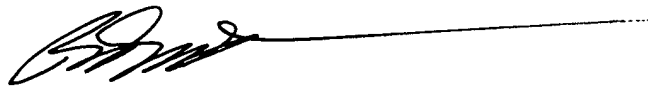
specification does do. It does so by teaching the artisan how to prepare compositions for, and methods for, administering to mammals and patients and the like various combinations of the claimed substances, such as epicatechin and green tea extracts. However in the interest of arriving at an early indication of allowable subject matter, these claims have been amended to remove the reference to prevention or preventing, without prejudice. These claims are therefore believed to be in condition for allowance and reconsideration is requested.

Claims 4-5, 10-13 and 15-21 stand rejected under 35 USC §102 as allegedly anticipated by Castillo WO 98/51302; Applicant respectfully traverses these rejections. Amended claim 4 now requires the step of treating or inhibiting amyloid fibril formation, deposition, accumulation, aggregation and/or persistence in Alzheimer's disease and type II diabetes by administering to the subject a therapeutic amount of a substance selected from the group of substances consisting of green tea, green tea leaves, green tea extract and epicatechin, such that it is the therapeutic amount of the substance administered that treats or disrupts the amyloid fibrils. Castillo does not make disclose or suggest this step. Claim 11 is directed to Parkinson's disease or Lewy body disease, about which Castillo is silent. Claims 13-21 all contain method steps not disclosed or suggested by Castillo, and Castillo thus does not anticipate claims 4-5, 10-13 or 15-21. In addition, Claim 10 depends from claim 4 and properly construed contains all the limitation of claim 4, and is therefore not anticipated either; moreover, claim 10 further requires the presence of at least one of the substances, ginkgo biloba, rosemary, gotu kola, bacopin or ginseng, and Castillo makes no mention whatever of these substances. These claims are therefore all believed to be allowable over Castillo, and reconsideration is requested.

In like manner, the other art rejections are likewise distinguished; the newly amended claims all define particular patentable subject matter in the form of methodology that is distinct and separate from anything disclosed by anything in the cited art.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the previous Final Action, and respectfully requests reexamination of all rejected claims and early favorable action on them. If the Examiner has any further concerns, Applicant requests a call to Patrick Dwyer at (206) 343-7074.

Respectfully submitted,



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P16-RCE2SUP.RSP

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